HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 4472 of 2006

3rd July, 2006

Between:
N.Siva Krishna

… Petitioner

And

Government of A.P. represented by
Principal Secretary, Higher Education,
(CE.II-1) Secretariat, Hyderabad
and another.

… Respondents.

ORDER:

The petitioner, a student of 3rd year B.A., Basha Praveena course in S.V.P.K.J Oriental College, Rajahmundry, has filed this writ petition seeking directions in the nature of a writ of mandamus to declare the action of the respondents 1 and 2 in taking steps to close the Oriental College at Rajahmundry and to merge it with the Kovvuru College, as illegal, and, further to set aside G.O.Ms.No.149 dated 15.10.2005.

It is the case of the petitioner that S.V.P.K.J Oriental College was started in the year 1957 and it is catering to the needs of several poor and needy students in learning Sanskrit and Telugu languages. It is stated in the affidavit filed in support of the writ petition that there are no valid grounds for closure of the Oriental College at Rajahmundry and its merger with the College at Kovvuru. It is further stated that having regard to the student-lecturer ratio, it is viable to continue to run the Oriental College at Rajahmundry and without properly examining the viability to run the said college at Rajahmundry, a decision has been taken for closure of the said college. It is also stated that this college has been providing free boarding and lodging to the students unlike other oriental colleges and if the college is closed, poor students will be deprived of the said facilities.

Counter affidavit has been filed on behalf of the respondents, in which, it is stated that there are totally 37 oriental colleges including Government oriental colleges, in the State. During the year 1988-89, Government decided to rationalize the aided oriental colleges in the State and a Committee was constituted under the

chairmanship of the Chairman, A.P. State Council for Higher Education with two other members. It is stated that basing on the report of the Committee, it has been decided that colleges having teacher-student ratio of 1:10 shall be approved for continuance of aided oriental colleges, and, accordingly, the teacher-student ratio has been reviewed in all 34 aided colleges and basing on the statistical data available, it was considered that payment of salaries to the staff of some of the colleges is uneconomic and unviable. Further, in the counter affidavit, data is furnished with regard to the students admitted to various courses in the last three academic years.

From the counter affidavit, it is clear that policy decision has been taken to rationalize the aided oriental colleges. Basing on the report of the Committee constituted, when the Government has come to the conclusion that it is not viable to run some of the colleges, the plea that boarding and lodging facilities are available in Rajahmundry is not a valid ground to declare the said decision as illegal. In any event, by closing the college at Rajahmundry, the same is merged with the college at Kovvuru, which is stated to be about 3 kms. away from Rajahmundry Town. In that view of the matter, it cannot be said that the students will be deprived of the courses, which are being run by the oriental college at Rajahmundry.

In view of the report of the committee constituted in this regard and having regard to the averments in the counter-affidavit that running of few colleges is uneconomic and unviable and is a burden on the State exchequer, the decision for closure of the college at Rajahmundry and merger of the same with the college at Kovvuru cannot be said to be illegal and arbitrary so as to interfere with the said decision by this court in exercise of its power under Article 226 of the Constitution of India. The writ petition, therefore, is

devoid of merits and is accordingly dismissed. No costs.

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3.7.2006 **(R.SUBHASH REDDY, J.)**

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